

1 UNITED STATES BANKRUPTCY COURT  
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3 DISTRICT OF PUERTO RICO  
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9 ) Docket No. 12-10295-ESL11  
MARINA OLDCO, ) Chapter 11  
 )  
Debtor. ) Old San Juan, Puerto Rico  
 ) March 27, 2015  
- - - - - - - - - - - - - - -x  
PDR ACQUISITION, LLC, )  
Plaintiff, ) Docket No. 14-00027-ESL  
 )  
-against- )  
 )  
SHELLEY, ET AL., )  
Defendants. )  
- - - - - - - - - - - - - - -x

11 STATUS CONFERENCE  
12 BEFORE THE HONORABLE ENRIQUE S. LAMOUTTE INCLAN  
13 UNITED STATES BANKRUPTCY JUDGE.

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16 For PDR Acquisition LLC: ROBERTO ABESADA AGUET, ESQ.  
17 JUAN A. CUYAR COBB, ESQ.  
18 For the Defendants: IRIS J. CABRERA-GOMEZ, ESQ.  
19 For the Debtor: CHARLES ALFRED CUPRILLI, ESQ.

24 PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.  
25 TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE

## I N D E X

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| 2  | RULINGS:                               | PAGE |
| 3  | Upon agreement of the parties, the     | 4    |
| 4  | adversary proceeding is dismissed with |      |
| 5  | prejudice.                             |      |
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1 Old San Juan, Puerto Rico

2 | Page March 27, 2015

At or about 10:55 AM

4 | \* \* \*

5 MS. CABRERA: For the record, Iris J. Cabrera for  
6 defendants.

7 MR. ABESADA: Roberto Abesada Aguet, together with  
8 Juan Cuyar on behalf of plaintiff.

9 MR. CUPRILL: Charles Cuprill, representing the  
10 debtor

11 MR. ABESADA: Roberto Abesada, on behalf of the  
12 plaintiff.

24 THE COURT: Well, let me indicate to you what my  
25 minutes would reflect and you tell me if that is your

1 agreement. And I would -- the minutes will state upon the  
2 agreement of the parties the adversary proceeding is hereby  
3 dismissed with prejudice. Judgment shall be entered.

4 Is there any objection as to that language?

5 MR. ABESADA: I believe that Your Honor would have to  
6 include the --

7 MS. CABRERA: Without imposition of costs and  
8 expenses.

9 THE COURT: No, no. Upon the agreement of the  
10 parties, and then I will ask for a transcript of this part of  
11 the hearing. So you tell me. There is no imposition of  
12 sanctions.

13 MS. CABRERA: Yes, that is the consent you have from  
14 defendants.

15 MR. ABESADA: That's what I was going to say, just  
16 to --

17 THE COURT: Okay.

18 MR. ABESADA: -- put at the end without inclusion of  
19 cost or attorney fees.

20 MS. CABRERA: Is it a dismissal of the adversary  
21 proceeding?

22 THE COURT: Excuse me?

23 MS. CABRERA: It's a dismissal of the adversary  
24 proceeding in its totality.

25 THE COURT: The adversary proceeding -- totally.

1 MR. ABESADA: Yeah, I --

2 THE COURT: There's no partial judgement. There's --

3 MR. ABESADA: The only --

4 THE COURT: Judgement will be entered dismissing with  
5 prejudice --

6 MR. ABESADA: Yes.

7 THE COURT: -- the adversary proceeding. And I'm  
8 going to also indicate that the Court would enter a final  
9 decree in the bankruptcy petition because this is the only  
10 matter pending in the case.

11 MR. CUPRILL: That is correct to enter the final  
12 decree, Your Honor. I have agreed with Mr. Cuyar that in  
13 reference to one of the issues, or the side issue that I raise  
14 in the last obligation for the entry of the final decree which  
15 had to do with expungement of some payers of the contracts  
16 that were to be assumed under the provisions of the plan.

17 Your Honor, I have agreed that the debtor is going to  
18 be provided by the purchaser with a side letter along the  
19 lines that those contracts that I'm pointing out which were  
20 not part of those to be assumed would be considered not  
21 included in the assumed contracts and that upon obtention of  
22 that letter that I would --

23 THE COURT: Well, that goes beyond this adversary  
24 proceeding.

25 MR. CUPRILL: No, I'm talking about the main case.

1                   THE COURT: Okay.

2                   MR. CUPRILL: I'm talking about the main case and to  
3 the issue of the issuance of the final decree and that upon  
4 receipt of that letter, I would file an amended application  
5 for the entry of the final decree, not including what I'm  
6 saying, which is part of the application that I have right  
7 now.

8                   THE COURT: So can I say that the debtor shall file  
9 amended application for the entry of final decree within --  
10 how many days are you going to do it?

11                  MR. CUYAR: Fourteen days, Your Honor.

12                  MR. ABESADA: Fourteen days.

13                  MR. CUYAR: Because I, Juan Cuyar for the purchaser,  
14 Your Honor.

15                  Perhaps, just to summarize and to make it easier for  
16 the Court. The parties have agreed that the debtor will file  
17 an amended application for final decree within fourteen days  
18 and whatever (indiscernible) agreements we have already  
19 reached, we will have resolved by such date.

20                  MR. CUPRILL: Yes, but I don't want to prolong the  
21 issue.

22                  MR. CUYAR: No.

23                  MR. CUPRILL: Upon the receipt of the letter that we  
24 agree --

25                  MR. CUYAR: Sure. Of course. We don't --

1 MR. CUPRILL: -- I will file the application.

2 THE COURT: My minutes will only reflect --

3 (At 11:00 AM, proceedings concluded.)

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1 U.S. BANKRUPTCY COURT )

2 DISTRICT OF PUERTO RICO)

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4 I certify that this transcript consisting of 7 pages  
5 is a true and accurate transcription to the best of my ability  
6 of the audio proceeding in this case before the Honorable  
7 Enrique S. Lamoutte Inclan on March 27, 2015, as recorded by  
8 the Courtroom Deputy.

9 Audio proceedings were recorded and were provided to  
10 this reporter by the U.S. Bankruptcy Court, and this certified  
11 reporter accepts no responsibility for any events that  
12 occurred during the above proceedings, for any inaudible  
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14 in the proceeding or for the content of the audio recording  
15 provided.

16

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*Gina Gattone*

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19

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20 Gina Gattone  
Official Court Transcriber, CET\*\*D-769

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